

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.PADMANABHAN NAIR

FRIDAY, THE 16TH NOVEMBER 2007 / 25TH KARTHIKA 1929

WP(C).No. 28594 of 2007(D)

PETITIONERS:

1. GOPALAKRISHNA PILLAI,
KUTEELETH PUTHIYA VEEDU, MUTHUPILAKKADU WEST,
SASTHAMCOTTA.
2. THANKAPPAN PILLAI,
KANDANALLOOR THEKKATHIL VEEDU,
MUTHUPILAKKADU WEST, SASTHAMCOTTA.
3. JAGADAMMA,
THEKKUNNNAYYATHU,
MUTHUPILAKKADU WEST, SASTHAMCOTTA.
4. KUTTAPPAN NAIR,
MELEKUNNATHAYYATHU,
MUTHUPILAKKADU WEST, SASTHAMCOTTA.
5. BALAKRISHNA PILLAI,
BINDHU BHAVANAM,
MUTHUPILAKKADU WEST, SASTHAMCOTTA.
6. JANAKI AMMA,
KUZHINTHATATHIL EDAPPURAYIL,
MUTHUPILAKKADU WEST, SASTHAMCOTTA.
7. CHELLAPPAN PILLAI,
MELEKUNNATHAYYATHU,
MUTHUPILAKKADU WEST, SASTHAMCOTTA.
8. SREEDHARAN PILLAI,
PUNTHALA VEEDU,
MUTHUPILAKKADU WEST, SASTHAMCOTTA.
9. OMANA AMMA,
THATTANTAYYATH VEEDU,
MUTHUPILAKKADU WEST, SASTHAMCOTTA.
10. AYYA KOCHIKKA,
THUNDIL VEEDU (MAVILAYIL VEEDU),
MUTHUPILAKKADU WEST, SASTHAMCOTTA.

11. KOCHAYYA CHELLAMMA,
KAVILAYIL,
MUTHUPILAKKADU WEST, SASTHAMCOTTA.
12. RADHAMMA,
THEKKEKUNNAYATHU,
MUTHUPILAKKADU WEST, SASTHAMCOTTA.
13. SANTHAMMA PILLAI,
NEDUVILA PATINJATTATHIL THEKKEPPURAYIL,
MUTHUPILAKKADU WEST, SASTHAMCOTTA.
14. MURALEEDHARAN PILLAI,
PUNTHALA VADAKKATHIL,
MUTHUPILAKKADU WEST, SASTHAMCOTTA.
15. CHELLAMMA AMMA,
THEKKEKANNIMELAZHIKATHU VEEDU,
MUTHUPILAKKADU WEST, SASTHAMCOTTA.
16. INDIRA DEVI AMMA,
KUTEELAZHIKATHU PADINJATTATHIL,
MUTHUPILAKKADU WEST, SASTHAMCOTTA.
17. SURENDRAN PILLAI,
CHENGANASSERY VEETIL,
MUTHUPILAKKADU WEST, SASTHAMCOTTA.
18. THANKAMMA AMMA,
NEDUVELIPADINJATTATHIL,
MUTHUPILAKKADU WEST, SASTHAMCOTTA.
19. MATHUKUTTY,
KODIYAVILA PUTHENVEEDU,
MUTHUPILAKKADU WEST, SASTHAMCOTTA.
20. THANKACHAN.KE.,
KODIYAVILA PUTHENVEEDU,
MUTHUPILAKKADU WEST, SASTHAMCOTTA.
21. GOPALA PILLAI,
VALIYA VEETIL KIZHAKKATHIL,
MUTHUPILAKKADU WEST, SASTHAMCOTTA.
22. K.R.GOVINDA PILLAI,
KANDANALLOOR VEEDU,
MUTHUPILAKKADU WEST, SASTHAMCOTTA.
23. CHELLAMMA AMMA,
KANNIMELAZHIKATHU (KUZHINTHADATHIL VEEDU),
MUTHUPILAKKADU WEST, SASTHAMCOTTA.

24. MURALEEDHARAN PILLAI,
ALAPPURATHU VEEDU,
MUTHUPILAKKADU WEST, SASTHAMCOTTA.
25. GOPINATHAN NAIR,
KANNIMELAZHIKATHU PUTHEN VEEDU,
MUTHUPILAKKADU WEST, SASTHAMCOTTA.
26. SINDHU,
MANGATTU VEEDU,
MUTHUPILAKKADU WEST, SASTHAMCOTTA.
27. MADHAVI AMMA,
MELECHAVANIPLAVILA,
MUTHUPILAKKADU WEST, SASTHAMCOTTA.
28. JAGADAMMA,
KOCHUPALLATHU VEEDU,
PALLISSERIKKAL, SASTHAMCOTTA.
29. LUCOSE GEEVARGHESE,
PARAVILA PUTHEN VEEDU,
MUTHUPILAKKADU WEST, SASTHAMCOTTA.
30. RAMAKRISHNA PILLAI,
SIVA BHAVANAM,
MUTHUPILAKKADU WEST, SASTHAMCOTTA.
31. DEVAYANI AMMA,
KAIPPALLAZHIKATHU VEEDU,
(KIZHAKKEPULAYARAZHIKATHU VEEDU),
MUTHUPILAKKADU WEST, SASTHAMCOTTA.
32. DEVAYANI AMMA,
KULANJI KUMPIL VEEDU,
MUTHUPILAKKADU WEST, SASTHAMCOTTA.
33. PONNAMMA AMMA,
KANDANALLOOR PADINJATTATHIL,
MUTHUPILAKKADU WEST, SASTHAMCOTTA.
34. SARASAMMA,
GEETHA BHAVAN,
MUTHUPILAKKADU WEST, SASTHAMCOTTA.
35. THANKAPPAN PILLAI,
VALUTHUNDIL VEEDU,
MUTHUPILAKKADU WEST, SASTHAMCOTTA.

BY ADV. SRI.B.SURESH KUMAR

RESPONDENTS:

1. THE STATE OF KERALA,
REPRESENTED BY ITS SECRETARY TO THE REVENUE
DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM.
2. THE DISTRICT COLLECTOR,
KOLLAM.
3. THE SPECIAL TAHSILDAR (LA),
NO.II, KOTTIYAM PO, KOLLAM.

BY GOVERNMENT PLEADER SHRI BASANT BALAJI

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 16/11/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

K. PADMANABHAN NAIR ,J.

W.P.(C) No.28594 of 2007 D

Dated, this the 16th day of November, 2007

JUDGMENT

The prayer in this Writ Petition is for a direction to the respondents to pay interest on the enhanced compensation. The lands belonging to the petitioners were acquired. They were given compensation. They did not make any application for enhancement of compensation. Subsequently they filed petitions under Section 28A of the Land Acquisition Act claiming re-determination of compensation. In March, 2000 awards were passed by the the Land Acquisition Officer re-determining the compensation. The grievance of the petitioners is that the Land Acquisition Officer did not award interest. The petitioners have approached this Court for such a demand only on 25.9.2007. I do not think it is just and proper to saddle the Government with the liability to pay interest from the date of award till the date of filing of Writ Petition. So there will be a direction to the respondents to re-determine and pay whatever interest payable to the petitioner as on the date of passing of the award under Section 28A of the Act. If the Land Acquisition Officer fails to re-determine the interest payable to the petitioners within a period of three months from today,

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interest from the date of this judgment till the date of such payment shall be paid.

In the result, Writ Petition is disposed of as above.

**K. PADMANABHAN NAIR,
JUDGE.**

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